

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

*In re COVID-19 San Quentin Transfer
Cases*

Case Nos. attached

ORDER OF LIMITED ASSIGNMENT

There being a large number of actions pending in this District filed *pro se* or with counsel related to the May 2020 transfer of inmates from the California Institution for Men (“CIM”) to San Quentin State Prison (“SQ”) and subsequent exposure to COVID-19 that raise a number of similar claims and common issues, and the judges of this Court having determined that the cases should be assigned to a single judge for the limited purpose of resolving certain of the common issues,

IT IS HEREBY ORDERED that all cases raising claims of exposure to COVID-19 related to the May 2020 transfer of prisoners from CIM to SQ are assigned to Judge William H. Orrick for the following limited purposes:

1. Determining whether Clark Kelso has quasi-judicial immunity, and if not, some other defenses he has raised such as whether he is a state actor who can be sued under section 1983;
2. Determining whether the defendants have immunity under the Public Readiness And Emergency Preparedness (PREP) Act;
3. Determining whether the defendants are entitled to qualified immunity as a matter of law at the motion to dismiss stage;
4. Determining whether the complaints filed by unrepresented plaintiffs allege adequate detail

1 to state a claim upon which relief can be granted.

2 **IT IS FURTHER ORDERED** that the actions shall continue to bear the case numbers
3 currently assigned to them and that upon resolution of the foregoing issues the cases shall proceed
4 before the currently assigned judge unless otherwise ordered by this Court.

5 **IT IS FURTHER ORDERED** that defense counsel at the California Attorney General's
6 Office shall serve a copy of this Order upon all plaintiffs in all affected cases.

7 A list of the affected cases is appended to this Order.

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9 **IT IS SO ORDERED.**

10 Dated: March 7, 2022

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13 Richard S. Seeborg
14 Chief Judge
15 United States District Court
16 Northern District of California
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List of CIM-SQ Transfer Cases Reassigned For Limited Purposes

1. 21-cv-05351-HSG *Carter v. Allison et al.*
2. 21-cv-06503-WHO *Cole v. Allison et al.*
3. 22-cv-00186-EJD *Colvin v. State of California et al.*
4. 20-cv-09415-BLF *Cooper v. Allison et al.*
5. 21-cv-05805-BLF *Crittenden v. Diaz et al.*
6. 21-cv-00406-WHO *Delgadillo Lopez v. Allison et al.*
7. 21-cv-00828-EMC *Demings v. Allison et al.*
8. 21-cv-04604-JD *Diaz et al v. State of California et al.*
9. 21-cv-00103-HSG *Hall v. Allison et al.*
10. 21-cv-09581-JCS *Hamilton v. Allison et al.*
11. 22-cv-00465-EJD *Hamiltonhausey et al v. Broomfield et al.*
12. 21-cv-04974-EJD *Hollis v. Allison et al.*
13. 21-cv-01094-EJD *Hudson v. Broomfield et al.*
14. 21-cv-07158-EJD *Johnson v. Broomfield*
15. 20-cv-09479-JSW *Jones v. Broomfield et al.*
16. 21-cv-01633-HSG *Lee v. Allison et al.*
17. 21-cv-01963-HSG *Legg et al v. Calif. Department of Corrections and Rehabilitation et al.*
18. 21-cv-04976-JSW *Lopez v. Allison*
19. 21-cv-04095-JD *Love v. State of California et al.*
20. 21-cv-09366-BLF *Mackey v. Allison et al.*
21. 21-cv-09386-BLF *Mackey v. Allison et al.*
22. 20-cv-06326-EJD *Nickerson v. Broomfield et al.*
23. 22-cv-00684-BLF *O'Bannon v. State of California et al.*
24. 21-cv-00708-EJD *Quale v. Allison et al.*
25. 22-cv-00905-JSC *Rhodes v. State of California et al.*
26. 21-cv-01832-JD *Ruiz et al v. State of California et al.*

United States District Court
Northern District of California

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27. 22-cv-00266-NC *Schrubb v. State of California*
28. 21-cv-06960-WHO *Thorpe v. Diaz et al.*
29. 22-cv-00150-WHO *Toalepai v. Allison et al.*
30. 21-cv-00827-EMC *Vines v. Allison et al.*
31. 21-cv-06722-JD *Vo v. Allison et al.*
32. 21-cv-08154-JD *Warner et al v. State of California et al.*